

Iraq and how to do the right thing for homeland security. But at the same time, all of us are responsible for the words we use and the terms we use and what it conveys not just to the American people but to our allies abroad.

In this regard, I was most concerned about the use of the word "bribery" in reference to foreign assistance. I think that was a mistake. I think that was not just a poor choice of words but a counterproductive choice of words, because to suggest that the funds we provide for reconstruction is bribery suggests that all of the foreign assistance we engage in around the world is misspent, or, again in the worst case here, bribery.

I believe our foreign assistance should be scrutinized, should be debated, and that we should strike the right balance, but in all cases the foreign assistance that we provide around the world should be used to further our national security interests. That is an important issue of substance. The funds we are providing to Iraq should strengthen security in the United States and should strengthen the stability and security of the people in Iraq and in the region of the Middle East.

In all cases, we should scrutinize that foreign assistance budget. But to refer to it as "bribery" I think is a mistake. It sent the wrong message to our allies and to those who are benefiting from our economic support, foreign military financing program, and even our humanitarian aid around the world. It is for our national security interests and the purposes for which we do that, and our debate should reflect that point.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

Reid amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors.

Daschle further modified amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

Daschle further modified amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service.

Bingaman amendment No. 1740, to ban commercial advertising on The National Mall.

AMENDMENT NO. 1734

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided prior to the vote in relation to the amendment No. 1734.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I will take 5 minutes to talk briefly about this amendment.

I have had an opportunity to come to the floor on a couple of occasions. Basically this comes down to whether or not we mean it when we say we will provide meaningful health care to our Native American population. That is what we are talking about today. Unfortunately, as most people know, we are far from that promise. It would take about \$5 billion for us to fulfill the promise and to live up to the expectations on the reservations that we see with health care delivery in the rest of the country—\$5 billion for the IHS clinical services account.

This year's budget is \$1.9 billion—less than half of what it would take to meet that obligation. As a result, today there is severe rationing of health care on every reservation—rationing so severe that they call it the "life or limb" test. Unless your life or limb is in jeopardy, you often do not get care on a reservation today.

This chart shows as clearly as anything can just what the commitment made to the Native American people is today when it comes to health care.

We spend about \$5,915 per capita on Medicare. We spend about \$5,200 per capita within the VA. We spend about \$5,000 per capita in our population generally for health care. We spend about \$3,800 per capita for every Federal prisoner—\$3,800 a year goes to our Federal prisons on a per capita basis for health care alone. We spend \$1,900 for Indian children and their families, in spite of commitments we have made for four generations.

What this amendment does is very simple. Last spring, when we had this debate and when we offered the amendment to the budget resolution to make whole the Indian health care budget, it was defeated. We proposed that we try to level the playing field. That was defeated.

What the Senate agreed to, reluctantly on my part, but agreed to nonetheless, was \$292 million, one-tenth of the amount required to make the IHS clinical services budget whole, to provide some parity between Indian health and prison health. That was incorporated in the Senate version of the budget.

Now we are simply saying: Let's live up to what the Senate said we would do on Indian health this year during the budget debate. Let's provide that \$292 million, one-tenth of the amount required, if we are going to do this right.

For the life of me, I cannot understand how someone could vote against this, knowing, as we do, we are giving one-half the amount of money to Indian children as we are to Federal pris-

oners. We are giving a fraction to the Native-American population that we give to Medicare beneficiaries.

This amendment simply acknowledges our need to rectify that extraordinary disparity, to deal with it in a way that only we can, to say it is not enough just to talk about it, not enough just to lament it, we have to do something about it. Granted, \$292 million is a far cry from what is required, but at least it is what the Senate said we would do last spring. It is now time to put our money where our mouth was last spring. This amendment is intended to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this amendment provides an additional \$292 million for the Indian Health Service. There is no offset.

I don't doubt the numbers the Senator from South Dakota presented. They are factual. I do not doubt his passion for this subject. But let's take a look at what is really happening.

Since we have focused on that, over the last 5 years we have added \$725 million funding to the IHS account. In addition, thanks to the work of my colleague from New Mexico, Senator DOMENICI, and the Balanced Budget Act of 1997, we have provided \$30 million per year for diabetes efforts. We know that is one of the primary focuses in Indian health for the following 5 years. That amount was increased to a total of \$100 million beginning in fiscal year 2001. Reauthorization of this program has ensured that \$150 million for the next 5 years will be available beginning in fiscal year 2004. In short, over the last 5 years, well over \$1 billion in new money has been provided in order to improve the health care within our Native-American community.

Within the extremely limited resources this subcommittee has been given over the past several years, we have been responsive to the needs of Native Americans and we will continue to make every effort to provide the additional dollars within the overall allocation we were given.

We know well, and my colleagues on the other side of the aisle know well, what happened last year. Under their leadership, the IHS account was reduced by \$75 million in the final hours before markup in order to reduce the subcommittee's allocation. Clinical services alone were reduced by \$50 million.

Saying that, despite the decrease, we still have a problem even with the additional moneys we put in this year. We understand the problems in the Indian Health Service. We are \$88 million over last year's level, and the adoption of this amendment would exceed the subcommittee's allocation and is subject to a point of order.

Mr. DASCHLE. If the Senator yields the floor, I will be recognized for what remaining time I have.

This amendment is not offset. Yes, we are told we cannot afford \$292 million. We need \$2.9 billion. We are told

we cannot afford that. I hope someone will come to the floor next week or the week after on the other side and say we cannot afford \$87 billion for Iraq, then, either. If we cannot afford \$292 million for our Native-American population, who are experiencing life or limb tests, then I sure hope we will not hear the argument on the other side that somehow we can afford providing health care dollars to the Iraqi children. I bet that is exactly what we are going to hear—\$87 billion worth of requests. It is a double standard.

I yield the floor.

Mr. BURNS. The pending amendment No. 1734, offered by the Senator from South Dakota, increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior of the Appropriations Committee. Therefore, I raise a point of order against the amendment pursuant to section 302 of the Budget Act.

Mr. DASCHLE. I move to waive the relevant portions of the balanced budget amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 45, as follows:

[Rollcall Vote No. 356 Leg.]

#### YEAS—49

Akaka	Dayton	Lincoln
Baucus	Dodd	McCain
Bayh	Dorgan	Murkowski
Biden	Durbin	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Campbell	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Coleman	Kohl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Wyden
Corzine	Leahy	
Daschle	Levin	

#### NAYS—45

Alexander	Cochran	Frist
Allard	Cornyn	Graham (SC)
Allen	Craig	Grassley
Bennett	Crapo	Gregg
Bond	DeWine	Hagel
Brownback	Dole	Hatch
Bunning	Domenici	Hutchison
Burns	Ensign	Inhofe
Chafee	Enzi	Kyl
Chambliss	Fitzgerald	Lott

Lugar	Sessions	Sununu
McConnell	Shelby	Talent
Nickles	Smith	Thomas
Roberts	Snowe	Voinovich
Santorum	Specter	Warner

#### NOT VOTING—6

Edwards	Kerry	Mikulski
Graham (FL)	Lieberman	Miller

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session and immediately vote on the confirmation of Executive Calendar No. 357, the nomination of Kim R. Gibson to be U.S. District Judge for the Western District of Pennsylvania, with no intervening action or debate; further, that there be 2 minutes equally divided in the usual form prior to the vote; further, that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, the Senate then return to legislative session, and Senator KENNEDY be recognized for up to 10 minutes in morning business, to be followed by Senator FEINGOLD for up to 8 minutes, to be followed by the majority leader, or his designee, for up to 10 minutes, and the Senate then stand in recess under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the two managers of the bill are contemplating, at 2:15, when we come back, the Senator from California taking up her amendment. She has requested 20 minutes. Then it is my understanding the managers of the bill, in conjunction with the leaders, are going to try to set a series of votes after the debate on the Boxer amendment is completed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I thank the Chair.

#### EXECUTIVE SESSION

#### NOMINATION OF KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The Senate will proceed to executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield my time to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I am sure my colleagues want to hear about the outstanding qualifications of this judicial nominee so they will be prepared to vote yea or nay.

The Senate is about to vote on the nomination of Common Pleas Judge Kim Gibson for the U.S. District Court for the Western District of Pennsylvania. Judge Gibson now serves on the State court, where he has been a distinguished jurist since 1998. He has gone through the bipartisan, non-partisan nominating panel that Senator SANTORUM and I have set up. He is a graduate of the U.S. Military Academy in 1974. He has a law degree from Dickinson Law School, magna cum laude, 1975. He served with the defenders office helping the indigent. He has had a distinguished practice and now is on the Common Pleas bench in Somerset County, PA. He is well grounded academically, well grounded professionally, and I recommend to my colleagues that he will make an outstanding Federal judge.

I now yield to Senator SANTORUM.

Mr. SANTORUM. Mr. President, I associate myself with the remarks of the senior Senator from Pennsylvania. I thank my colleagues for allowing the vote to go forward on this very distinguished individual.

Mr. LEAHY. Mr. President, today we vote to confirm another district court nominee, to the Western District of Pennsylvania. This nominee, Mr. Kim Gibson, is currently a judge on the Court of Common Pleas in Somerset County, in Western Pennsylvania. Judge Gibson is a graduate of West Point Military Academy and graduated second in his class from Dickinson School of Law in Carlisle, PA. Over the course of his career he has served in the Army's Judge Advocate General Corps and the public defender service. Not surprisingly, the ABA gave this nominee its highest rating—unanimous "well qualified."

With today's confirmation, the Senate has now confirmed 154 judicial nominees for this President. As I noted this week, the current pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton administration. It was not until well into the fourth year of President Clinton's second term when Republicans controlled the Senate, before this many judicial nominees were confirmed. It took President Reagan, during his first term, almost to the end of his fourth year to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party. It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken